

## **REMARKS**

### **Status of case**

Claims 1-20 are pending.

### **Rejection under 35 U.S.C. §103**

Claims 1, 2, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn (WO 00/72344 A1; and the corresponding DE 199 25 051 C2). Claim 3, 16, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Banter (U.S. Patent 6,512,834). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Ford (U.S. Patent 5,664,015). Claims 5, 6, 9, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Bohnke (U.S. Patent 6,546,107). Claims 7, 8, 10, 12 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Bohnke, further in view of Butler (U.S. Patent 6,288,866), and further in view of Daddis (U.S. Patent 6,029,942). Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Bohnke, further in view of Butler (U.S. Patent 6,288,866), and further in view of Banter.

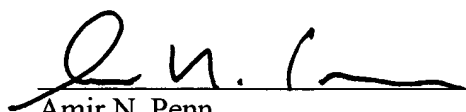
Claim 1 recites “a foil placed on the enclosure over the holes”. See also claim 11 (“waterproofing means placed on the enclosure means”); claim 13 (“placing a foil on the enclosure over the holes by attaching the foil to the enclosure “). The Office Action acknowledges that the Kuhn reference the membrane 42, used to waterproof the speaker of the remote control, is not placed on the enclosure. The Office Action further states that the Kuhn reference teaches a protective foil 34 placed on the enclosure covering the touch pad and LCD screen. The Office Action concludes that claims 1, 2, and 13 are obvious, reasoning that “rearranging parts of an invention involves only routine skill in the art” citing *In re Japikse*.

Applicants do not believe that the present invention, as claimed, is merely a rearrangement of parts. In *Japikse*, the starting switch to a hydraulic power press was moved to a position different from the prior art. The Board held that the claims were unpatentable since shifting the position of the starting switch would not have modified the operation of the vehicle. 181 F.2d 1019 (CCPA 1950). In the present application, the placement of the foil on the enclosure modifies the operation of the patient handset in several ways. First, the operation of the patient handset, including how the

**SUMMARY**

Applicant respectfully requests early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amir N. Penn", is written over a horizontal line.

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